

REMARKS

By this paper, claims 1 and 2 have been amended. Additionally, new claims 28-33 have been added.

In the outstanding Office action dated June 12, 2006, claims 1, 2, 4, 7 and 8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In so rejecting the claims, the Examiner stated that a recitation of "the sensor" in line 3 of claim 1 lacks sufficient antecedent basis. Accordingly, Applicants have amended claim 1 so that the first instance of the recitation of the term "sensor" is preceded by the article "a."

Moreover, in the outstanding Office action, the Examiner stated that a possible new matter situation exists with respect to claim 2. The Examiner stated that "the H-shape only exists in FIG. 8, prior to folding graft material to cover the sensor" and thus, the Examiner questioned how the H-shape can co-exist in claim 2 with the subject matter recited in claim 1. In response thereto, the Applicants have amended claim 2 to delete the phrase "the folding of the graft material." Accordingly, it is believed that claim 2 as amended cannot be construed as reciting new matter.

Additionally, in the outstanding Office action, claims 1 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Reich et al. (U.S. 2002/0183628) and claims 1, 2, 4, 7 and 8 were rejected under § 102(e) as being anticipated by Wolinsky et al. (6,840,956). In response thereto, the Applicants have amended independent claim 1 to recite a method involving attaching a marker to a graft and folding portions of the graft to cover a sensor and the marker. Since neither Reich nor Wolinsky contemplate such an approach, it is respectfully submitted that independent claim 1 and its dependent claims 2, 4, 7, 8 and 28-33 define allowable subject matter.

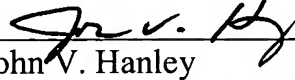


CONCLUSION

Applicants have attempted to completely respond to the outstanding Office action. In view of the above amendments and remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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